

E-FILED on 4/21/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICHARD CARRIZOSA and MARY PEA,

Plaintiffs,

v.

PAUL STASSINOS; ALAN MECHAM;  
LEGAL RECOVERY SERVICES, INC.;  
LEGAL RECOVERY SERVICES OF  
CENTRAL CALIFORNIA, INC.; and  
CENTRAL VALLEY LEGAL RECOVERY  
SERVICES, INC.

Defendants.

No. C-05-02280 RMW

ORDER DENYING PLAINTIFFS' *EX PARTE*  
APPLICATION TO CONTINUE HEARING  
ON MOTION FOR SUMMARY JUDGMENT

[Re Docket Nos. 57, 65]


Plaintiffs Richard Carrizosa and Mary Pea move *ex parte* under Civil L.R. 7-10 for an order continuing defendant Central Valley Legal Recovery Services, Inc.'s motion for summary judgment. Plaintiffs fail to show—as required by Civil L.R. 7-10(a)—that their *ex parte* motion is proper under "the statute, rule or order which permits the use of an *ex parte* motion to obtain the relief sought." Indeed, under established channels for the sort of relief plaintiffs seek, their motion is not the proper subject for *ex parte* treatment. Generally, a motion to change time must comply with Civil L.R. 6-3, which plaintiffs' motion does not. In the specific context of a motion for summary judgment,

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JAH

1 Fed.R.Civ.P. 56(f) provides plaintiffs with the proper procedure for requesting a deferred ruling on  
2 defendant's motion for summary judgment. The court will consider any request for relief under  
3 Fed.R.Civ.P. 56(f) concurrently with the associated motions for summary judgment. Plaintiffs' *ex*  
4 *parte* motion is denied.

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6  
7 DATED: 4/21/06

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

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16 **Dated:** 4/21/06

17 /s/ JH  
18 **Chambers of Judge Whyte**